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Letter dated 15 October 1999 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a memorandum in connection with General Assembly resolution 53/162 of 9 December 1998, entitled"Situation of human rights in Myanmar" (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly under agenda item 116 (c).

(*Signed*) Win **Mra**
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Annex

Memorandum concerning the situation of human rights in Myanmar

Introduction

General Assembly resolution 53/162 adopted without a vote at the 53rd Session of the United Nations General Assembly decided to continue its consideration of the Situation of Human Rights in Myanmar at the fifty-fourth session of the United Nations General Assembly. The resolution urged the Government of the Union of Myanmar to take certain specific measures in the areas of concern to the international community. On adoption of the resolution in question, the representative of the Union of Myanmar explicitly stated that the resolution was negative and accusatory and that what it portrayed was far from the objective conditions in the country. Besides, the resolution totally ignored the positive steps that the present Government was taking hitherto to improve the situation in the country. For this reason, the Myanmar delegation was compelled to dissociate itself from the said resolution. This, however, does not necessarily change Myanmar consistent policy of cooperating with the United Nations to the fullest extent possible. At the same time, the Government of the Union of Myanmar continued to demonstrate its sensitivity to and understanding of the concern of the international community as its responsible member. It also continued with determination to preside over the systematic transition towards a democratic system and made every effort to improve the overall situation of the country on all fronts. Myanmar has, accordingly, witnessed significant developments of positive nature during the period since the adoption of General Assembly resolution 53/162. The present Memorandum provides information on these developments to enable the member states to better understand the real situation in the Union of Myanmar.

Efforts for the prevalence of peace and stability

Peace and development are mutually reinforcing and development of the country cannot be achieved without first establishing peace. Drawing lessons from the post independence history of the country replete with the armed insurrections of the ethnic groups, resulting primarily from the divide and rule policy under colonial rule, the government strongly believes that lasting peace can be achieved only through the unity among the national races. This belief led the Government to make energetic efforts to establish peace with the armed groups of the national races as a matter of top priority. As a result, the Government has been able to maintain peace and stability throughout the country. This is the first time in many decades that peace could be maintained for so may years on end. At the same time, with a view to further consolidate the existing peace, the Government has launched an ambitious plan for the development of border areas and national races. The Government has spent over 15 billion Kyats on the plan. As a

reflection of trust in the Government's sincere efforts, the national races are actively involved with the Government in their regional development efforts as equal partners.

Although the Kayin National Union(KNU) remains intransigent and still pursues the policy of armed insurrection, the Government's offer of peace to the KNU still stands. However, The KNU is a quickly-diminishing force operating only in certain areas across the border as many of its members have exchanged arms for peace.

Suppression of Narcotic drugs

The border areas of the Union of Myanmar have lagged behind other parts of the country in development mainly due to inadequate infrastructure and internal insurgency problems. Certain border areas have totally relied on poppy cultivation and the Government decided that it must strive for the development of border areas and national races to be able to totally eradicate poppy cultivation. Towards that end, a Central Committee for the Development of Border Areas and National Races was formed on 25 May 1989. For more effective implementation of border areas and national races development, a separate ministry was instituted on 24 September 1992 and the Law on Development of Border Areas and the National Races was promulgated on 13 August 1993. One of the main purposes of the Law is the total elimination of poppy growing through creation of alternative economic activities for the local populace.

The Government regards the suppression of narcotic drugs as a national task and the top priority. Accordingly, it has been making all-out efforts for the multi-faceted development of border areas with a view to getting rid of the practice of poppy growing in the border areas. A Master Plan covering the period from 1999 to 2014 has been adopted to totally eradicate poppy cultivation in cooperation with ethnic groups who signed peace agreements with the Government. Currently, the plan is being implemented in a comprehensive manner in 51 townships in Shan, Kachin, Chin and Kayah States. The Plan includes activities such as eradication of poppy cultivation and opium production, interdiction, and encouragement of local participation in such activities. The Plan could be implemented in a shorter time-frame if international cooperation is available.

In accord with the Master Plan, several areas have been declared opium-free zones and poppy cultivators have now turned to alternative crops, and stepped-up law enforcement measures have led to increased seizures of narcotic drugs. Furthermore, the government was able to considerably reduce the production of opium and heroin despite very little international assistance. However, a new wave of danger has emerged recently in the form of new synthetic drugs such as Methamphetamine. These new drugs are being produced along porous borders of Myanmar, with precursors and drug-making equipment smuggled in from the neighbouring countries. The Government is now redirecting its efforts to effectively address this problem as a matter of top priority through cooperation with the countries concerned in the region.

A landmark event in the Government's efforts against narcotic drugs is the hosting of the Fourth International Heroin Conference in Yangon in February 1999. The

Conference was attended by delegates from 28 countries and contributed to enhancement of cooperation and understanding among nations in combating the global menace of drugs.

The problem of narcotic drugs is a global issue that requires concerted efforts based on the principle of shared responsibility. Myanmar's relentless efforts are far from appreciated and criticisms against the Myanmar Government continue for political reasons. However, Myanmar is committed to the total elimination of narcotic drugs. Although there is little assistance from the international community to these efforts, the Government has achieved considerable success on its own. Compared to 1997 figures, opium production decreased by 26 per cent in 1998 and it was the lowest level of production reached in ten years since 1988. The objective of total elimination of narcotic drugs will be achieved sooner than later if the international community could provide assistance. The Government will continue the implementation of the 15-year plan and will at the same time cooperate with other ASEAN members to achieve the goal of "Drug Free ASEAN by the year 2020".

Efforts against Money Laundering

The Government of Myanmar enacted the Narcotic Drugs and Psychotropic Substances Law on 27 January 1993. This Law improved upon the previous drug law of 1974. In 1995, Rules for the 1993 Law were declared. The 1995 Rules include provisions for effective measures against money laundering activities. These rules also empower the Central Committee for Drug Abuse Control(CCDAC) to carry out financial investigation and seize property in any suspected cases of money-laundering. The Rules also provide for bilateral and trilateral cooperation in transboundary situations of money-laundering on a case-by-case basis. Furthermore, a separate body called "the Property Examination Committee" has been formed for the purpose of scrutinizing capital as well as movable and immovable property gained from drug-related offences. The property confiscated from 1993 to 31 December 1998 was valued at over 96.3 million Kyats.

Democratization Process

The establishment of a democratic society is the ultimate goal of the Government. The Government is fully committed to the achievement of this goal and it is now laying necessary ground-work for such a democratic system to effectively function. The Government is, therefore, transitory in nature and making every attempt to accelerate the process of transition to democracy. The National Convention, which is the present political process involving representatives of national races, political parties, and delegates from all walks of life, has made considerable headway and has agreed on the basic principles that will govern the future of the country. This indeed is a great achievement for us. Currently, all the participants in the national convention are making arduous efforts for reaching consensus on the extremely sensitive issue of power-sharing. In view of the sensitive nature of the issues and its far-reaching implications for the country's future, it is vitally important for the National Convention to proceed

systematically and with the greatest caution possible to safeguard the interest of all the national races and not to repeat the shortcomings of the previous two constitutions. The Government firmly believes that the National Convention is the only political process suitable for Myanmar and that consensus will be achieved finally. It is worth reiterating that the Government will transfer power to a new government which will be democratically elected under the new constitution.

Question of Religious Tolerance

The recent surge of interest in the state of religious tolerance in Myanmar is an area where the international public opinion has been deliberately misled through allegations based on misinformation or political motivation. On close examination of these allegations reaching the Government through various channels, they are found to be unsubstantiated. In a country where nearly ninety percent of a population of 48.15 million are Buddhists, it is understandable that other faiths may have been concerned without valid reason about possible persecution or intolerance by another dominant faith. These misplaced concern appear to have been exploited by some quarters.

Religious freedom in Myanmar is a well-known fact and the Government fully realizes the importance of giving equal treatment to all religion in a multi-racial country like Myanmar. Our previous two constitutions provided for safeguards against religious discrimination and intolerance. Similarly, the fundamental principles which we had agreed upon in the National Convention process guarantee religious indiscrimination and tolerance. Religious harmony and freedom in Myanmar is a tradition shared and fully observed by all faiths. On its part, the Government has taken all necessary steps to encourage and nurture the prevailing harmony among the religions through continuous contacts with respective religious leadership and provision of assistance in both financial and material terms to enable them to promote their faiths effectively. In addition, the Government has never taken discriminatory action or steps concerning religions and there has never been instances of intolerance or persecution by the Government or any dominant religion. The Government is determined to keep the Myanmar society free of religious intolerance and persecution to the best of its ability and help all religions in all possible ways co-exist harmoniously with each other.

Economic Development of the country

The market-oriented economic policy of the Government and its full encouragement of the private sector has led to the achievement of sustained economic growth for the country over the several past years. The country achieved an average annual growth rate of 7.5 percent against the original target of 5.6 percent in its four-year plan from 1992-93 to 1995-96 . Total investment increased by an average annual growth rate of 31.6 percent during the plan period. This achievement was attained relying almost entirely on the country's own resources and foreign direct investment and also without the benefit of official development assistance(ODA) and concessional loans. However, the currency crisis in Asia has resulted in 5.3 per cent reduction of foreign direct investment

commitments in fiscal year 1997-98 compared to those in previous fiscal year and there were some slow-downs in economic growth. Even then the economic growth was still considerable, registering 5.7 per cent against the target of 6.4 for the fiscal year 1997-98 and 5.6 per cent against the target of 6.6 per cent for the fiscal year 1998-99.

As adequate infrastructure is a precondition for the sustained development of the country, the Government is focusing its efforts on infrastructure development. Significant achievements have been made in this area. Although there was only a single bridge across the most important river of the country, the Ayeyawady, for over a century, the Government has been able to build five more bridges across the river. Furthermore, new roads and rail links have been constructed adding significantly to the existing transportation network of the country.

For the economic development of the country, another area to which the Government is paying particular attention is the agriculture sector. The agriculture sector of Myanmar accounts for 36 per cent of GDP, 35 per cent of total exports and employs 63 per cent of total labour force. Therefore, agricultural sector occupied a place of importance in Myanmar economy. With a favourable ratio of population to land and abundant water resource, it is also an area Myanmar has a marked comparative advantage. For this reason, the first of the four national economic objectives of the Government is the development of agriculture as the base for all-round development of other sectors of the economy as well. To promote agriculture productivity, the Government has laid down five strategic measures under which it is carrying out an extensive programme of land reclamation in wet land and virgin land, granting large land holdings to private companies. As a result, the private sector alone has added 1.1 million acres to the existing arable land. At the same time, with a view to provide sufficient water to the agriculture sector, the Government has instituted a substantial programme for the construction of new reservoirs and dams, resulting in considerable increase in irrigated areas. Up to now the Government has constructed 97 dams. Through these efforts for the promotion of agriculture productivity, the Government is aiming to increase its exports of rice and to contribute to food supply both domestically and regionally.

Significant developments in the field of human rights

Myanmar fully subscribes to the human rights norms enshrined in the Universal Declaration of Human Rights and it has been underscored on numerous occasions that the Government does not condone any human rights violations. While giving particular attention to basic human rights such as food, clothing and shelter of the people, the Government is also prepared to cooperate with relevant organizations whenever necessary. In mid-1999, the government took a significant step in that direction by receiving a delegation from the International Committee of the Red Cross (ICRC) and made detailed arrangements for them to visit the prisons in Myanmar and to interview the inmates in accordance with the ICRC standard procedures. The government extended full cooperation to the ICRC Delegation and the visits were successful and productive,

enabling both sides to build mutual trust and goodwill. It is hoped that these visits will serve as initial steps towards further cooperation with the ICRC.

In August, the government of Myanmar accepted the visit to Myanmar of Mr. Chris Sidoti, the Australian High Commissioner for Human Rights. The visit provided an opportunity between the Commissioner and the authorities of the Myanmar government on the possibility of establishing a national human rights institution in Myanmar and on cooperation between the two countries on human rights matters. As a consequence, certain areas of cooperation between the two countries could be identified.

In July, the government received a fact-finding mission to Myanmar of the Troika of the European Union. It is the hope of the government that the mission will pave the way for further strengthening the relations between the EU and Myanmar and enhance the contacts and dialogue between the two to a more meaningful and substantive stage in the future.

Cooperation with the United Nations

Myanmar continues to cooperate with the United Nations by accepting the proposal for the visit of Mr. Alvaro de Soto, Special Envoy of the Secretary-General of the United Nations, to Myanmar in October this year.

Developments regarding the recommendations of the ILO Commission of Enquiry

General Assembly resolution 53/162 urged the Government of the Union of Myanmar to fulfil its obligations as a State Party to the Forced Labour Convention , 1930 (No.29) and to implement the recommendations of the ILO Commission of Enquiry. In this connection, the Government of the Union of Myanmar had issued Order No. 1/99 dated 14 May 1999 to make the two relevant Acts - the Towns Act of 1907 and the Village Act of 1907, to conform to the changing situations in the country such as security, administrative, economic and social conditions.

Under these two Acts, powers are conferred on the chairmen of the Village Tract and Ward Peace and Development Councils to enable them to execute their public duties. Under such powers, they have the right to requisition for personal services of the residents of the village tracts and wards. Under Order No. 1/99, the chairmen of the Village Tract and Ward Peace and Development Councils and other local authorities concerned shall not exercise the afore-mentioned powers conferred under the two Acts. In addition, this Order clearly stipulates that any person who fails to abide by the order shall have actions taken against him or her. The Order has already been promulgated in the Myanmar National Gazette, where all laws, procedures, notifications, regulations and directives are published. It has been circulated not only to all State bodies, Government ministries, and all local administrative bodies but also to local and international media at the conclusion of the ASEAN Labour Ministers' Meeting in Yangon on 15 May 1999.

Despite the contention by the ILO that neither the Village Act nor the Towns Act has not been amended as required in the recommendations of the ILO Commission of Enquiry, Order No. 1/99, which has the force of law, has, in effect, ended the requisition of personal services from the residents of the village tracts and wards all over the country.

Other developments

In 1999, anti-government elements engaged in a well orchestrated plan to create unrest in the country. They started the preparations for the plan from the closing months of 1998 to incite a civil unrest on 9 September 1999 as the 4 Nine movement. In March, a 4 Nine Committee was formed with representatives from 11 dissident groups. In April, the 9999 Action Committee was set up to bring together various opposition groups and coordinate the plan for the civil unrest on 9 September 1999. As part of the plan, instigative leaflets were clandestinely distributed in some cities in Myanmar such as Bago, Thaton, Ye and Mawlamyine to incite the people. Similar leaflets were brought into the country for distribution by dissidents in the country. In all these actions taken to create a large civil unrest, some foreign media and broadcasting services assisted. However, the Government was able to prevent in timely manner all the attempts to translate the plan into reality.

The cases of Mawdsley and Goldwyn, who deliberately broke the laws of Myanmar, are the instances that took place as part of the plan for the civil unrest on 9 September 1999.

On 30 September, several armed terrorist students seized the Myanmar Embassy in Bangkok and made demands for the release of so-called political prisoners. Although this outrageous event ended peacefully, the event demonstrated the extent to which anti-government elements both inside and outside the country could go to destabilize the country.

Active Participation in Regional Affairs

Since becoming a member of ASEAN, Myanmar has been more actively involved in regional affairs as a matter of policy. It is the belief of the Myanmar Government that the active participation in the affairs of the region will enhance understanding among the countries of the region and contribute to finding solutions to regional problems. Myanmar is committed to cooperate with other ASEAN member countries to build Southeast Asia not only as a region which is outward-looking, living in peace, stability and prosperity, and bound together in partnership in dynamic development but also a community of caring societies. Myanmar has fully cooperated with ASEAN in the integration process and actively participated in the ASEAN activities. In this regard, the two significant events of Myanmar's involvement were the hosting of the 13th ASEAN Labour Ministers Meeting in Yangon in May and the holding of the 2nd ASEAN Ministerial Meeting on Transnational Crime in Yangon in June 1999.

Conclusion

The Government of Myanmar is committed to the establishment of a democratic political system and taking steps towards that goal. At the same time, the Government is making every effort to improve the overall situation of the country in the face of various constraints and obstacles and undue political pressures. The fact that peace is at present prevailing in areas where insurgencies were widespread in the past and the achievements on the economic front attest to the success of the Government's efforts.

Consideration of the situation of Myanmar without taking into account all aspects of the difficulties confronted in transition to a new political system will not be balanced by any standards. It is hoped that the resolution will reflect the objective situation in the country in a fair and balanced manner.